

MINUTES
REGULAR WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
YUMA CITY HALL – CONFERENCE ROOM 190
ONE CITY PLAZA, YUMA, ARIZONA
AUGUST 17, 2010
5:00 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

ROLL CALL

Councilmembers Present: Stuart, Mendoza, Beeson, McClendon, Brooks-Gurrola, Johnson and Mayor Krieger
Councilmembers Absent: none
Staffmembers Present: City Administrator, Greg Wilkinson
City Engineer, Paul Brooberg
City Attorney, Steven W. Moore
Various Department Heads or their representative
City Clerk, Lynda L. Bushong

I. REGULAR CITY COUNCIL MEETING AGENDA OF AUGUST 18, 2010

Brooks-Gurrola stated she would like Motion Consent Agenda Item B.7 [funding for Yuma County Area Transit (YCAT)] pulled for separate consideration. The documentation she asked for from the Yuma Metropolitan Planning Organization (YMPO) has not been received and the information she received last night did not address any of her questions. YMPO/YCAT need reorganizing and three months is not long enough to correct the problems. Money continues to be spent each day, so the issue needs to be addressed now. Just continuing Dial-A-Ride (DAR) would be sufficient.

Mayor Krieger: The City Council can only control what it spends. The question is whether to increase City support; the amounts keep changing. The YMPO Executive Board will act in response to whatever the City Council does.

Wilkinson: The owner of the property involved in Annexation Area A2010-05 (Castle View North, located at the northwest corner of Avenue 9E and 24th Street) has asked that his request for annexation be withdrawn. This will affect Motion Consent Agenda Item B.4 and Ordinance O2010-44. A motion will be prepared for tomorrow's meeting.

II. AVENUE 3½ E DESIGN

Brooberg explained that approximately three years ago, the City began developing the concept of creating a traffic loop around the main gate of Marine Corps Air Station – Yuma (MCAS). The Design Concept Report envisioned the terminus of the loop – where Avenue 3½ E would merge into Avenue 3E – would be at County 14th Street (City 56th Street). During consideration of the project, the City Council directed staff to move forward with the

design and to terminate Avenue 3½ E at City 48th Street (County 13th Street). Kimley-Horn designed the roadway north of 40th Street; however, the roadway between 40th Street and 48th Street is being done by a local firm, Dahl, Robins and Associates. The firm has prepared the design for the termination of Avenue 3½ E at City 48th Street per the original design concept, but, at staff's direction, has also prepared the design of the roadway to the west of the original alignment. Pushing the roadway to the west after it clears the canal has several advantages: 1) the remaining lands around the roadway would be more uniform in nature and easier for a developer to subdivide, and, 2) there would be less wasted land left over once the roadway project is complete. The ultimate goal is to take the roadway down to the Avenue 3E alignment at 56th Street. The roadway design stops at 48th Street, however, the alignment between the canal and 48th Street is yet to be decided.

Mayor Krieger asked about County land in this area. **Brooberg:** County 13th Street is under Yuma County jurisdiction to the east of that intersection of County 13th Street and Avenue 3½ E and City to the west. **Brooberg** pointed out that a development/expansion is being planned in this vicinity, that is, Produce Industrial Park, located between 44th Street and 48th Street and between Avenue 3E and Avenue 3½ E. Staff is working with the developer, who needs to know where the road will be sited.

Mayor Krieger noted that either option impacts a significant amount of land. How will the property owners to the east access their land, should the alignment be pushed to the west?

Brooberg pointed out a farm road that could become a local road. Another option would be to move the intersection and acquire right-of-way to accommodate a new roadway.

Mayor Krieger asked about the right-turn lane right-of-way. **Brooberg:** A 350 to 400 foot right-turn lane is planned for westbound traffic approaching the 48th Street intersection.

Mayor Krieger questioned how a private developer can force the City to take right-of-way from a property owner in Yuma County. **Brooberg:** A private property owner cannot force the City to take right-of-way unless the City determines it wants to pursue the development of a roadway along a specific right-of-way. Eminent domain comes into play when the City needs property and the City and property owner cannot agree on its price. **Mayor Krieger:** The project is not a City project; it is not necessary to the wellbeing of City residents.

Brooberg: This is a City-initiated street project. To construct the 48th Street intersection, the City would need 50 feet from the centerline of the roadway on each side and 68 feet from the centerline for the right-turn lane. Currently, the County right-of-way is 33 feet on each side of the centerline. **Mayor Krieger:** The required setbacks are in addition to the right-of-way requirements. **Brooberg:** Typically, if the developer wants any City services, he would have to obtain a Development Agreement whereby he would develop to City standards prior to annexation. **Mayor Krieger:** Is County action necessary? **Brooberg:** In past situations such as this, the City has sought an encroachment permit from the County – permission to use their rights-of-way – and there's been no problem getting them. If the rights-of-way lie outside the City limits - where the City has no jurisdiction - then a formal agreement with Yuma County for the acquisition of the rights-of-way would be necessary, given that there is no agreement between the City and the property owner for the City to buy the land.

Mayor Krieger noted that, if the power lines need to be relocated, that would take additional right-of-way from the property owners. **Brooberg** confirmed that the City would need to acquire any additional right-of-way to relocate power lines, should that be necessary.

Johnson discussed the situation with **Brooberg**:

- When this alignment issue initially came before the City Council, it involved planned development on the section of land bisected by the canal at the northeast corner of Avenue 3½ E and 44th Street, as well as land owned by the Curtis family.
- At that time, the City Council had extensive discussions with property owners from this area and decided that the alignment should stay on the Avenue 3½ E alignment from 40th Street to 48th Street, with a westerly curve around the intersection of what would be 44th Street and Avenue 3½ E.
- The suggested alternative pushes the alignment of Avenue 3½ E south of 44th Street some 200 feet to the west.
- Everyone involved in the discussion recognized that the roadway was not going to be built until the property actually develops at which time the City would require the dedication of whatever rights-of-way it would need from the developer(s).
 - **Brooberg**: It is the City's standard procedure to require developers to dedicate rights-of-way in conformance with the 1997 Major Roadways Plan as a condition to their development.
- Is this a case of overbuilding streets in areas where they are not needed?
 - **Brooberg**: City staff is recommending that the City gain whatever rights-of-way are necessary for the ultimate buildout of Avenue 3½ E, north and south of 40th Street, at the lowest possible cost.
 - There is no dedicated right-of-way south of the canal.
- Several of the surrounding properties will have access issues. Either way, the property owners will have to dedicate land to gain access.
- There is a defacto road being used by these properties; does use of a road for decades constitute an easement?
 - **Moore**: These owners could possibly have a prescriptive right to the use of the road, depending upon how long they have been using it and under what circumstances.

Stuart asked for a clarification as to why the roadway is designed to curve around the canal at 44th Street. **Brooberg**: Avenue 3½ E at this point intersections with major Yuma Mesa Irrigation and Drainage District structures; there are several turnoff structures located in this area.

McClendon: Why is staff pursuing a different alignment, when an alignment was already decided? If Avenue 3 ½ E terminates at 48th Street, as originally conceived, it will end directly on the doorstep of a private home. Moving the alignment to the west would allow the road to continue toward 56th Street without impacting the house.

Mayor Krieger recalled that during previous consideration of this issue, the City Council did not decide whether Avenue 3½ E would go diagonally from 49th Street to 56th Street or follow existing roadways; therefore, the City Council directed staff to stop the design at 48th Street. **Brooberg** stated that is correct.

Mayor Krieger pointed out those lots in this vicinity that have no easement for access to their property. One lot owner sought a development permit from Yuma County to construct a church and was told they could get a permit only after the property owner had an easement for access. Has staff consulted with any of the property owners at this point? **Brooberg:** City staff has talked only to the representative of the one property owner to the west. Once the route is better defined, staff will contact all the property owners and invite them to a public meeting. Nothing staff has done to date would interfere with anything the property owners of the four lots affected could legally do today. **Mayor Krieger:** As Agriculture exempt property, the property owners hardly have to deal with Yuma County, much less the City, and requiring this right-of-way would be putting the cart before the horse. **Brooberg:** City staff have approached property owners in the past, asking that they set aside right-of-way; however, agreement to do so would not be required.

McClendon: Reopening this discussion is going to upset a lot of property owners – people who have already suffered through a number of design changes, costing them time and money. The property owners expressed their frustration about the City changing its mind numerous times when the issue first arose. This proposal will only cause another heated discussion. These individuals should be informed before this moves forward. **Brooberg:** The property owner of the lot immediately affected by the change should be aware of the proposal, based on the fact that staff has been in contact with his agent. The project is effectively on hold until this decision is made, which is intended to give the City Council time to discuss the matter with all involved.

Mendoza agreed with McClendon's suggestion to hear from all parties involved. The previous discussion on this item went on for weeks and weeks and changing the route will start the whole debate over again. The bridge won't be needed for another ten years. Personally, he is not ready for another controversy; the issue can wait another ten years.

III. ADDITIONAL ITEMS FOR POSSIBLE DISCUSSION

Stuart reported on a two hour training session held by the Local Emergency Planning Committee in compliance with the Superfund Amendments and Reauthorization Act (SARA) of 1986 and Title III, the Emergency Planning and Community Right-to-Know Act (EPCRA).

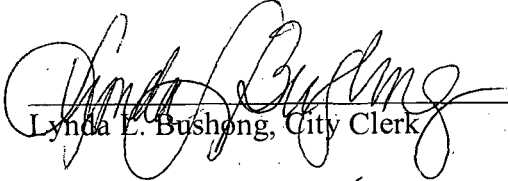
Mayor Krieger reported that the Yuma Visitors Bureau's is planning for the upcoming Yuma centennial.

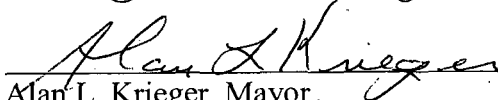
Johnson reported on an Arizona Department of Transportation (ADOT) meeting that focused on determining the procedures that would be used for allocating approximately \$12 million in coordinated border infrastructure funding. He paid his own travel expenses and was the only representative from Yuma. He presented a proposal for funding for the widening of the Avenue 3E overpass. ADOT officials were extremely surprised by the low level of service provided by this section of Avenue 3E; it is the worst in Yuma County. No allocation decisions were made; however, the City got their attention.

Mayor Krieger reminded all that he, Beeson and Mendoza will be attending the League of Arizona Cities and Towns Annual Convention next week.

IV. ADJOURNMENT/EXECUTIVE SESSION

Motion (Johnson/McClendon): To adjourn to Executive Session for the posted agenda items and to discuss Item B.7 pursuant to ARS 38-431.03 A(3) and A(4) . Voice vote: adopted 7-0. The meeting adjourned at 5:56 p.m.


Lynda L. Bushong, City Clerk


Alan L. Krieger, Mayor

Approved at the City Council Meeting of:
OCT 20-2010
City Clerk: 